

**United States District Court
Southern District Of New York**

Melinda Serin, Judson Russ, Long Soui Lim,
Peri Kettler, Gordon Redner, and Thomas J. Smith,

Plaintiffs

v.

Northern Leasing Systems, Inc., Jay Cohen,
Rich Hahn, and Sara Krieger

Defendants

No. 06 CV 1625 (SCR)

Affirmation of Krishnan Chittur, Esq., in

Opposition to Defendants' Motion To Dismiss

Krishnan Chittur, an attorney duly admitted to the bar of this Court and elsewhere, being duly sworn, states as follows under penalties of perjury:

1. I am the principal of Chittur & Associates, P.C., attorneys of record for the plaintiffs abovenamed.

2. Defendants have asserted that the plaintiffs herein are class members in a pending action in New York Supreme Court, New York County, Pludeman et al v. Northern Leasing Systems, Inc., Index No. 04/101059 (Hon. Sherry Klein Heitler, J.S.C.). This is inaccurate.

3. In response to defendants' motion to dismiss in Pludeman, 3 of the instant plaintiffs submitted affidavits. But that Court refused to consider those affidavits, expressly holding that their claims based on forgery were inconsistent with the Pludeman class claims, which were based on fraud in the inducement. This action was filed only after that holding.

4. That the instant plaintiffs are *not* members of the Pludeman class is also clear from the motion for class certification in Pludeman, which motion is now *sub judice* before the state court. That motion seeks certification of a class “of all persons who signed as lessees and/or guarantors in a standard form lease and personal guaranty . . .” “Ex. A,” Motion for Class Certification of July 18, 2005.

5. Since the instant plaintiffs assert that they never signed the leases, they are clearly *not* members of the Pludeman class.

Dated: August 24, 2006

A handwritten signature in black ink, appearing to read 'Krishnan Chittur', written over a horizontal line.

Krishnan Chittur, Esq.

Exhibit “A”

**Supreme Court of the State of New York
County Of New York**

Kevin Pludeman, Challenger Deep Imports, Inc.,
Chris Hanzsek d/b/a Hanzsek Audio,
Sarah Jane Hush, Ozark Mountain Granite
& Tile Co., and Dennis E. Lauchman, on behalf of
themselves and all others similarly situated,

Plaintiffs

v.

Northern Leasing Systems, Inc., Jay Cohen,
Steve Bernardone, Rich Hahn, and Sara Krieger

Defendants

Index No. 04/101059
(Hon. Sherry Klein Heitler,
J.S.C.)

Oral Argument Requested

Plaintiffs' Notice of Motion For Class Certification

PLEASE TAKE NOTICE that upon the annexed **Affirmation of Krishnan Chittur, Esq.**, dated July 18, 2005, together with all the exhibits annexed thereto; the **Affidavit of Kevin Pludeman**, dated July 15, 2005; the **Affidavit of Chris Hanzsek** dated July 15, 2005; the **Affidavit of Sarah Jane Hush**, dated July 15, 2005; and the **Affidavit of Dennis E. Lauchman**, dated July 15, 2005; the **Summons**; the **First Amended Complaint**, the **Answer**; and the accompanying **Memorandum of Law**, dated July 18, 2005, and upon all prior proceedings herein, Plaintiffs will move this Court at the Submissions Part, Room 130, of the Supreme Court of the State of New York, County of New York, located at 60 Centre Street, New York, New York, on Monday, the 1st day of August, 2005, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order:

1. Under Article 9, CPLR:

- a. Certifying a Class of all persons who signed as lessees and/or guarantors in a standard form lease and personal guaranty ("Form Lease") with Defendant Northern Leasing Systems, Inc., as lessor, since January 1, 1999, excluding defendants, or any parent, subsidiary, affiliate, accountant, agent, attorney, employee, officer, representative, servant, and/or any person acting on behalf of defendants or any of them; and/or
- b. Determining plaintiffs Mr. Kevin Pludeman, Mr. Chris Hanzsek, Ms. Sarah Jane Hush, Ozark Mountain Granite & Tile Co., and Mr. Dennis E. Lauchman to be adequate Representatives of the said Class, and appointing Krishnan S. Chittur, Esq., of Chittur & Associates, P.C., as Counsel for the said Class;
- c. Ordering Defendants to send a Court-approved notice, at the expense of Defendant Northern Leasing Systems, Inc., to all members of the Class by first class mail, postage prepaid in such form as will be approved by the Court; and/or

2. Granting such other and further relief as to this Court may seem just and proper.

As grounds therefor, Plaintiffs state that they have met all the requirements for class certification under Article 9, CPLR.

Pursuant to CPLR 2214(b), answering papers, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

Dated: New York, New York
July 18, 2005

Chittur & Associates, P.C.

A handwritten signature in black ink, appearing to read 'Krishnan Chittur', written over a horizontal line.

By: Krishnan Chittur, Esq.
The Lincoln Building 15th Floor
60 East 42nd Street 1501
New York, NY 10165
Tel: (212) 370-0447

Attorneys for Plaintiffs and the Class

To: Benjamin Y. Kaufman, Esq.
Milberg Weiss Bershad & Shulman LLP
One Pennsylvania Plaza
New York, NY 10119
Tel. (212) 594-5300
Attorneys for Defendants